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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
DAVIS, CYNTHIA L	
ART UNIT	PAPER NUMBER
2665	

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/872,297	WUNG, J.W.	
	Examiner	Art Unit	
	Cynthia L Davis	2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-30 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-30 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 2/22/2005 have been fully considered but they are not persuasive. Regarding arguments concerning claims 1 and 16, the Gentry reference discloses provisioning of private line service as well as other long-term connections, such as DSL (see Gentry, column 4, lines 65-66). The provisioning center of the instant application must receive some sort of indication from somewhere that a customer wants private line service before initiating such service, as the provisioning center would not know on its own which customers desire such service. This is the equivalent to the caller in Gentry indicating to the media gateway controller than he wants a private line. Sending a first message to said first switch connectable to said first line is disclosed in Gentry, figure 4, in the dotted arrow running between elements 14 and 12, which shows the path of a call initiated by an endpoint 58. Initiation of a connection would go from endpoint 58, via media gateway 12, to controller 14, then controller 14 would send a message identifying the call to a media gateway 12 in order to complete the connection (see column 6, lines 37-43, describing prior art initiation of a call, and lines 58-61, describing the function of the virtualizer in the system, which is the improvement that Gentry makes over the prior art and does not change the basic call setup procedure that reads on applicant's claims). The 35 USC § 103(a) rejections below have been changed to reflect applicant's amendments.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-3, 6, 9-18, 21, and 24-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gentry.

Regarding claim 1, a telecommunications system comprising a provisioning center and a first and second switch is disclosed in Gentry, figure 4; the media gateway controller is a provisioning center (see column 4, lines 2-4, 30-32, and 37-39), and the virtual media gateways are switches connected to various endpoints, or lines. Establishing a private line connection between a first and second line is disclosed in column 4, line 66. Assigning to a provisioning center, for controlling provisioning of private line service, an address of a switching element for receiving and transmitting signaling messages from and to a signaling network is disclosed in column 7, line 66-column 8, line 1 (the media gateways determine the address of their primary media controller; hence, those media gateways are assigned to that media gateway controller). Initiating an establishment of said private line connection from said provisioning center sending a first message to said first switch connectable to said first line, said first message comprising an identification of said first line is disclosed in Gentry, figure 4, in the dotted arrow running between elements 14 and 12, which shows the path of a call

initiated by an endpoint 58. Initiation of a connection would go from endpoint 58, via media gateway 12, to controller 14, then controller 14 would send a message identifying the call to a media gateway 12 in order to complete the connection. See also column 6, lines 37-43, describing prior art initiation of a call, and lines 58-61, describing the function of the virtualizer in the system, which is the improvement that Gentry makes over the prior art and does not change the basic call setup procedure that reads on applicant's claims. In said first switch connectable to said first line, identifying a first network address for accessing an interswitch network is disclosed in column 7, line 66-column 8, line 1. Returning a response message to said provisioning center, said response message comprising said first network address, is disclosed in column 8, lines 13-15. The provisioning center sending a second message to said second switch connectable to said second line, said second message comprising an identification of said second line is disclosed in column 7, lines 39-41 and column 8, lines 7-10 (the virtualizer may be contained in the media gateway; it receives a message, possibly from the media gateway controller, identifying a second specific line). Claim 1 further specifies that the message further contains the first network address, which is not specifically disclosed in Gentry. However, Gentry discloses in column 4, line 66, that its method may be used to provide private line services. It would have been obvious to one skilled in the art at the time of the invention to send the first network address to the second switch. The motivation would be to have the second switch know how to find the line it is supposed to connect to in order to provide the private line service. The second switch selecting a second network address is disclosed in column 7, line 66-

column 8, line 1. Connecting the second line to the second network address, connecting the second line to the second network address, and establishing an connection over said interswitch network between said first and second network addresses is disclosed in column 4, line 66 (in order to have a private line, the two lines would have to connect in this way) and column 8, lines 15-10 (the virtualizer contains mappings connecting the lines to the various network addresses).

Regarding claim 16, a telecommunications system comprising a provisioning center and a first and second switch is disclosed in Gentry, figure 4; the media gateway controller is a provisioning center (see column 4, lines 2-4, 30-32, and 37-39), and the virtual media gateways are switches connected to various endpoints, or lines. Establishing a private line connection between a first and second line is disclosed in column 4, line 66. Means for assigning to a provisioning center, for controlling provisioning of private line service, an address of a switching element for receiving and transmitting signaling messages from and to a signaling network is disclosed in column 7, line 66-column 8, line 1 (the media gateways determine the address of their primary media controller; hence, those media gateways are assigned to that media gateway controller). The provisioning center comprising means for initiating an establishment of said private line connection by sending a first message to said first switch connectable to said first line, said first message comprising an identification of said first line is disclosed in Gentry, figure 4, in the dotted arrow running between elements 14 and 12, which shows the path of a call initiated by an endpoint 58. Initiation of a connection would go from endpoint 58, via media gateway 12, to controller 14, then controller 14

would send a message identifying the call to a media gateway 12 in order to complete the connection. See also column 6, lines 37-43, describing prior art initiation of a call, and lines 58-61, describing the function of the virtualizer in the system, which is the improvement that Gentry makes over the prior art and does not change the basic call setup procedure that reads on applicant's claims. In said first switch connectable to said first line, means for identifying a first network address for accessing an interswitch network is disclosed in column 7, line 66-column 8, line 1. Means for returning a response message to said provisioning center, said response message comprising said first network address, is disclosed in column 8, lines 13-15. The provisioning center comprising means for sending a second message to said second switch connectable to said second line, said second message comprising an identification of said second line is disclosed in column 7, lines 39-41 and column 8, lines 7-10 (the virtualizer may be contained in the media gateway; it receives a message, possibly from the media gateway controller, identifying a second specific line). Claim 1 further specifies that the message further contains the first network address, which is not specifically disclosed in Gentry. However, Gentry discloses in column 4, line 66, that its method may be used to provide private line services. It would have been obvious to one skilled in the art at the time of the invention to send the first network address to the second switch. The motivation would be to have the second switch know how to find the line it is supposed to connect to in order to provide the private line service. The second switch selecting a second network address is disclosed in column 7, line 66-column 8, line 1. Means for connecting the second line to the second network address, connecting the second line

to the second network address, and establishing an connection over said interswitch network between said first and second network addresses is disclosed in column 4, line 66 (in order to have a private line, the two lines would have to connect in this way) and column 8, lines 15-10 (the virtualizer contains mappings connecting the lines to the various network addresses).

Regarding claims 2 and 17, establishing a packet connection over said interswitch network, wherein said interswitch network is a packet network, is disclosed in figure 1, element 10.

Regarding claims 3 and 18, establishing an IP connection over said interswitch network, wherein said interswitch network is an IP network is disclosed in figure 1, element 10.

Regarding claims 6 and 21, establishing a virtual connection over a virtual path packet network wherein said interswitch network is a virtual path private network is disclosed in figure 1, element 10 (ATM is a virtual path network).

Regarding claims 9 and 24, the virtual path packet network being an ATM network is disclosed in figure 1, element 10.

Regarding claims 10 and 25, establishing a circuit connection over said interswitch network, wherein said interswitch network is a circuit switched network is disclosed in column 5, lines 3-4.

Regarding claims 11 and 26, establishing a TDM connection over said interswitch network is disclosed in column 5, lines 3-4.

Regarding claims 12 and 27, the first and second network addresses being addresses for identifying a trunk to said interswitch network is disclosed in column 4, lines 57-59.

Regarding claims 13 and 28, the first message being a SS7 IAM message is not specifically disclosed in Gentry. However, Gentry does disclose using its system in an SS7 network in column 3, line 62 and column 5, line 39. It would have been obvious to one skilled in the art at the time of then invention to use an IAM message. The motivation would be to use a common part of the SS7 protocol for signaling.

Regarding claims 14 and 29, the first message being a SS7 ACM message is not specifically disclosed in Gentry. However, Gentry does disclose using its system in an SS7 network in column 3, line 62 and column 5, line 39. It would have been obvious to one skilled in the art at the time of then invention to use an ACM message. The motivation would be to use a common part of the SS7 protocol for signaling.

Regarding claims 15 and 30, assigning an SS7 Point Code is not specifically disclosed in Gentry. However, Gentry does disclose using its system in an SS7 network in column 3, line 62 and column 5, line 39. It would have been obvious to one skilled in the art at the time of then invention to assign an SS7 Point Code. The motivation would be to assign a standard type address using the SS7 protocol.

3. Claims 4-5, 7-8, 19-20, and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gentry in view of Vuong.

Regarding claims 4, 7, 19, and 22, sending an IAM message specified by a BICC protocol message is missing from Gentry. However, Vuong discloses in column 5, lines

26-30, using BICC protocol in an ATM network, such as is disclosed in Gentry, figure 1, element 10. It would have been obvious to one skilled in the art at the time of the invention to use BICC IAMs. The motivation would be to use a standard type of message in the BICC protocol.

Regarding claims 5, 8, 20, and 23, returning a message complete message specified by a BICC protocol message is missing from Gentry. However, Vuong discloses in column 5, lines 26-30, using BICC protocol in an ATM network, such as is disclosed in Gentry, figure 1, element 10. It would have been obvious to one skilled in the art at the time of the invention to use BICC message compete messages. The motivation would be to use a standard type of message in the BICC protocol.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cynthia L Davis whose telephone number is (571) 272-3117. The examiner can normally be reached on 8:30 to 6, Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (703) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CLD
4/20/2005 CLD 4/20/05

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